IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.268-M of 2007
Date of Decision:- 16.1.2007

Varinder Dutt & anr. ....Petitioner(s)

through
Mr.Ashwani Talwar, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.
Mr.D.S.Sandhu, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition under Section 438 Cr.P.C. is to grant pre-arrest bail to the petitioners in a case arising out of F.I.R.No.264 dated 14.12.2006 registered under Sections 304-B/34 IPC at Police Station, Kapurthala.

Petitioner No.1 is the father-in-law and petitioner No.2 is the mother-in-law of deceased Pooja, who was married to their son Bhavnish Dutt and who died an unnatural death on 14.12.2006.

As per the allegations, the deceased was being troubled by her husband and in-laws for not bringing sufficient dowry as per their status and she was being asked to bring more money from her father “for the construction of house.” It is further alleged that she committed suicide by hanging herself from a fan as she was constantly tortured by her husband and parents-in-law for bringing insufficient dowry and money.

The petitioners, on the other hand, have alleged that their son Bhavnish Dutt was out of their control and a 'public notice' to this effect was

got published by petitioner No.1 in the daily newspaper "Dainik Jagran" on 30.4.2006 (Annexure P-2). Petitioner No.1 is also stated to have sworn an affidavit a day prior to the publication of public notice, i.e. on 29.4.2006, (Annexure P-1) to the effect that he had dis-owned his son and dispossessed him from the property.

It is also argued that since their son Bhavnish Dutt got married to the deceased, the petitioners, despite disowning him, gave their old parental house in Mohalla Sheranwala and the deceased along with her husband used to live in the said separate house and both of them had no concern whatsoever with the petitioners.

After hearing learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant, I am of the considered view that no case to grant pre-arrest bail to petitioner No.1 (Varinder Dutt) is made out. From the scant material on record, *prima facie,* it appears that the action of petitioner No.1 in disowning his son and/or dispossessing him from property, might have also added fuel to the fire which led to the unfortunate incident. Whether petitioner No.1 had disinherited his son on account of the latter's bad habits and/or as a pressure tactics to get more dowry and 'money for the construction of the house'- is a seriously disputed issue which needs to be investigated by the police with totally free hands.

Consequently, this petition qua petitioner No.1 is dismissed.

However, so far as petitioner No.2, Smt.Naresh Dutt, mother-in-law of the deceased, is concerned, except the bald allegations in the F.I.R, nothing specific is attributed to her. Having regard to all the attending circumstances, her age and the fact that at this stage, there is

nothing to suggest that the investigation cannot be taken to its logical conclusion unless she is subjected to custodial interrogation, I am inclined to grant her pre-arrest bail. Consequently, this petition qua petitioner No.2 is accepted. It is directed that in case she appears before the Investigating Officer and furnishes bail bonds to his satisfaction, she will be admitted to bail, however, subject to the condition that she will join the investigation as and when required and will fully cooperate with the same. Further, petitioner No.2 (Smt.Naresh Dutt) shall also abide by all the conditions as contained in Section 438 (2) Cr.P.C.

It is further clarified that the observations made here-in-above are purely tentative and shall have no bearing on the merits of the case.

Disposed of.

January 16, 2007 **(SURYA KANT)**
poonam **JUDGE**